

Notice of Allowability

Application No.

10/823,873

Examiner

Edward F. Landrum

Applicant(s)

NGAN ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's remarks filed 6/4/2007.
2. ☒ The allowed claim(s) is/are 1-7,9 and 12-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached:
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Nichols on 8/16/2007.

The application has been amended as follows:

Claim 13 has been amended to depend from claim 1 instead of canceled claim 8.

Election/Restrictions

2. Claims 4-7, 13, and 19 have been rejoined to the application as they are dependent on an allowable claim.

Allowable Subject Matter

3. Claims 1-7, 9, and 12-22 allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1, 20, 21, and 22 are allowable for claiming a portable saw having a housing; a longitudinal shell with an arcuate cross-section attached to the housing and an inner region of the shell facing the housing; the shell having a longitudinal axis parallel to a cutting plane of the saw blade and a transverse slot; a base plate affixed to the shell; a shaft mounted to the housing for limited rotary and axial movement relative thereto, the shaft having a distal end extending from the housing, through the transverse slot and into the inner region of the shell; a collar operably connected to the

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shaft, the collar having a first cam surface cooperating with a corresponding second cam surface that is rotationally fixed for limited axial translation relative to the housing; a lever mounted to the collar and rotatable around an axis extending perpendicular to the longitudinal axis so that rotation of the collar in an unlock direction extends the distal end of the shaft away from the housing, and rotation of the shaft in a lock direction retracts the distal end of the shaft towards the housing; and a longitudinal clamp member received within the shell inner region and cooperating with the distal end of the shaft for clamping the shell to the housing, the clamp being sized so that the shell inner region can pivot about the clamp member as the transverse slot provides clearance for the shaft; wherein the shaft is threadably engaged to at least one of the collar, the housing, or the clamp member so that rotation of the collar in the unlock direction either extends the shaft further away from the housing or extends the clamp member along the shaft away from the housing, and rotation of the collar in the lock direction either retracts the shaft towards the housing retracts the clamp member along the shaft towards the housing thereby permitting the shell to be loosened and secured relative to the housing as the shaft is rotated in the lock and unlock directions respectively.

4. Orrico (U.S Patent No. 6,553,675) teaches (see Figures 1-5) a portable jigsaw (10) having a housing (12), a handle, a motor secured in the housing, a saw blade (14), and an adjustable base (16). The adjustable base comprises a longitudinal shell (36) secured to the housing and facing away from the housing. The shell (36) is generally parallel with the cutting plane of the blade (14). A base plate (20) is secured to the shell (36). The base plate (20) has a generally planar contact surface for engaging work

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piece. A shaft (63) is mounted to the housing (12) and extends through a transverse slot (38) in the shell (36). A collar (46, 48, and 50) is operably connected to the end of the shaft (63) nearest the housing (12) and has a first cam surface (48). The first cam surface (48) cooperates with a corresponding second cam surface (56) that is rotationally fixed relative to the housing. A longitudinal clamp plate (58) is located in the shell (36) inner region and cooperates with the distal end of the shaft (63) for clamping the shell (36) to the housing. The clamp member (58) is sized to allow the shell (36) to pivot about the clamp member (58) as the transverse slot (38) provides clearance for the shaft (63). The shaft (63) is threadably engaged to the clamp member (58) so that rotation of the collar in the unlock direction extends the shaft further away from the housing and rotation of the collar in the lock direction extends the shaft towards the housing. The collar (46, 48, and 50) can be considered a collar because its design prevents a second collar (52, 54, and 56) from moving relative to it. A lever (40, 42, and 44) is mounted to the collar (46, 48, and 50) and extends axially away from the collar. The lever is formed integrally with the collar, rotates in a direction perpendicular to the longitudinal axis of the base plate and has a notch (44) formed in the lever that interacts with the side of the housing (20) to lock the lever in place and provide a limit to the rotation of the lever (Col. 3, lines 65-67). The lever rotates around an axis that extends parallel to the longitudinal axis of the base plate, therefore Orrico fails to teach the lever rotating around an axis that extends perpendicular to the longitudinal axis of the base plate.

McCarty et al (U.S Patent No. 3,087,519), hereinafter McCarty, teaches (see Figures 1-11) a portable jigsaw (10) having a housing (11), a handle (12), a motor secured in the housing, a saw blade (14), and an adjustable base (15). The adjustable base comprises a longitudinal shell (18) secured to the housing and facing away from the housing. The shell (18) is generally parallel with the cutting plane of the blade (14). A base plate (16 and 17) is secured to the shell (18). The base plate has a generally planar contact surface for engaging work piece. A shaft (25) is mounted to the housing (11) and extends through a transverse slot (21) in the shell (18). A collar (26) is attached to the end of the shaft (25) nearest the housing (11). A longitudinal clamp plate (27) is located in the shell (18) inner region and cooperates with the distal end of the shaft (25) for clamping the shell (18) to the housing. The clamp member (27) is sized to allow the shell (18) to pivot about the clamp member (27) as the transverse slot (21) provides clearance for the shaft (25). The shaft (25) is threadably engaged to the clamp member (27) so that rotation of the collar in the unlock direction extends the shaft further away from the housing and rotation of the collar in the lock direction extends the shaft towards the housing. A lever is (29) mounted to the collar (26), extends axially away from the collar and rotates around an axis that extends perpendicular to a longitudinal axis of the shell. McCarty fails to teach the collar having a first cam surface and a cooperating second cam surface that is rotationally fixed relative to the housing for limited axial translation relative to the housing.

Glass (U.S Patent No. 4,221,051) teaches (see Figures 4-7) a clamping means having a first collar (92) with a lever (4) integrally formed to it, and a second collar (106)

rotationally fixed relative to a housing, having a second cam surface (110), with a shaft (90) journaled within it. The second cam surface is fixed therefore Glass fails to teach the second cam surface being capable of limited axial translation.

5. It would be improper hindsight to modify Orrico to change the rotation direction of the lever as doing so would destroy the clamping mechanism of Orrico as the two cam surfaces are designed based on the lever rotating along an axis parallel to the longitudinal axis of the base plate.

While McCarty and Glass are considered combineable neither teach the second cam surface being capable of limited axial translation. Modifying Glass to make the second cam surface capable of limited axial translation would render the clamping mechanism ineffective.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

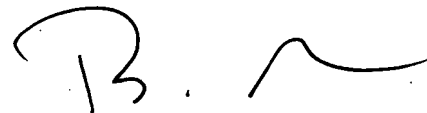
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL
8/16/2007



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SUPERVISORY PATENT EXAMINER